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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 21st February 2008

No. 2206—li/1(BH)-84/1992(Pt.)-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 23rd October 2007 in I. D. Case No. 92 of 1993 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial dispute between the Management of Angul United Central Co-operative Bank Ltd., Angul and its workman Shri Brajabandhu Sahu was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE CASE No.92 OF 1993

Dated the 23rd October 2007

Present :

Shri S. K. Mohapatra, O.S.J.S. (Jr. Branch) ,
Presiding Officer, Labour Court,
Bhubaneswar.

Between :

The Management of Angul United Central Co-operative Bank Ltd.,
Angul. .. First Party—Management

And

Its Workman, Shri Brajabandhu Sahu .. Second Party—Workman

Appearances :

None .. For First Party —
Management.

Shri S. Mishra, Advocate .. For Second Party —
Workman.

AWARD

The Government of Orissa, Labour & Employment Department referred the present dispute between the Management of Angul United Central Co-operative Bank Ltd., Angul and its workman Shri Brajabandhu Sahu under Notification No. 14679-L.E., dated the 21st October 1991 vide memo No. 7168 (5) -L.E., dated the 5th November 1993 for adjudication by this Court.

2. The terms of reference by the State Government is as follows :

“ Whether the termination of services of Shri Brajabandhu Sahu, Ex-Secretary by the management of the Angul United Central Co-operative Bank Ltd., Angul with effect from the 6th April 1982 is legal and/or justified ? If not, to what relief the workman is entitled ? ”

3. Shorn of all unnecessary details, the case of the workman is as follows :

The workman had been appointed as Cadre Secretary by the management vide order, dated the 17th April 1972. During his service the workman worked as Cadre Secretary in the Co-operative Society at Parjang and Bagedia. While the workman was serving at Bagedia he was placed under suspension on the allegation of misappropriation but the management did not pay any subsistence allowance. The management terminated the service of the workman vide order, dated the 17th September 1982 with retrospective effect but the order was actually given effect to from the 6th April 1982. The workman has contended that the termination of service of the workman was illegal and motivated. On the complaint of the workman the District Labour Officer, Angul tried for a conciliation but the conciliation failed due to non-co-operation of the management and therefore the present reference to the Labour Court.

4. The management has been set *exparte* vide order, dated the 1st November 2002.

5. The workman has examined himself as W. W. 1. In his evidence the workman has stated that he had been working as a Cadre Secretary under the management with effect from the 17th April 1972. Ext. 1 is the copy of the appointment order. The first appointment of the workman was on temporary basis but he was confirmed in service with effect from the 20th July 1973 vide Ext. 4 but on perusal it is seen that Ext.4 is actually copy of the transfer order under which the workman was transferred to Badekera as Secretary. Further evidence of W.W.1 is that he was placed under suspension by the management on the 6th April 1982. W.W.1 has proved Ext. 6 as his explanation to the charge-sheet. In Ext. 6 the workman has agreed to deposit an amount of Rs.2,975 and has further contended that he begged to be excused for non-reply to the letter No. 933, dated the 11th February 1982 and Letter No. 10369, dated the 6th March 1982. On the whole Ext. 6 appears to be a Letter of admission of the charge. Therefore the evidence of the workman that he was remove from service without any enquiry under Ext.10 cannot be sustained. Since the present case at hand appears to be

a case of termination of service by way of punishment after framing of charge and on admission of the charge by the workman, it cannot be said that the termination of service of the workman is illegal in any manner and therefore, the termination of service of the workman is legal and justified and consequently the workman is not entitled to any relief whatsoever.

The reference is answered accordingly *exparte*.

Dictated and corrected by me.

S. K. MOHAPATRA
23-10-2007
Presiding Officer
Labour Court, Bhubaneswar.

S. K. MOHAPATRA
23-10-2007
Presiding Officer
Labour Court, Bhubaneswar.

By order of the Governor
K. TRIPATHY
Under-Secretary to Government